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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,584	06/09/2000	Peter T Dietz	55434USA1A.002	2946

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 05/17/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,584

Applicant(s)

DIETZ, PETER T

Examiner

Hai Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 7, 8, 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver et al (US 4,797,317) substantially as set forth in Paper no. 2. With regard to newly added claims 13 and 17, Oliver is silent as to a boiling water test which a glazing element of the laminate passes. Since the laminate of Oliver is made of the same material and meeting all the structural limitations of the claims, it is the examiner's position that the glazing element of the laminate of Oliver would inherently pass a boiling water test as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willdorf (US 4,028, 475) in view of Motter et al (US 4,112,171) substantially as set forth in Paper no. 2.
5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al (US 4,797,317) substantially as set forth in Paper no. 2.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willdorf (US 4,028, 475) in view of Motter et al (US 4,112,171) as applied to claim 1, and further in view of Bilkadi et al (US 5,677,050) substantially as set forth in Paper no. 2.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al (US 4,797,317) as applied to claim 1, and further in view of Bilkadi et al (US 5,677,050) substantially as set forth in Paper no. 2.

8. Claims 9-11, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al (US 4,797,317) in view of Motter et al (US 4,112,171) and further in view of Yang et al (US 6,013,722). The combination of the primary and secondary references does not teach the presence of a crosslinker in the attachable pressure sensitive adhesive. Yang teaches a low haze acrylic emulsion pressure sensitive adhesive for use in optical articles comprising a cross-linking agent (column 4, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a cross-linking agent into the attachable pressure sensitive adhesive of the window film motivated by the desire to obtain a laminate that exhibits low haze when adhered to glass surface.

With regard to newly added claims 18-21, see the same inherency rationale in claim 1 above.

With regard to newly added claims 22 and 23, Yang teaches an adhesive coated film having a percent haze less than 2 % and light transmission 98.1% (table 1).

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9. Claims 14-16, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al (US 4,797,317) as applied to claim 1, in view of Yang et al (US 6,013,722). Oliver is silent as to a crosslinker being incorporated into an attachable pressure sensitive adhesive. Yang teaches a low haze acrylic emulsion pressure sensitive adhesive for use in optical articles comprising a cross-linking agent (column 4, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a cross-linking agent into the attachable pressure sensitive adhesive of the window film motivated by the desire to obtain a laminate that exhibits low haze when adhered to glass surface. With regard to newly added claim 24, Oliver discloses a window film having a 70% light transmission (column 6, lines 40-41). Yang teaches an adhesive coated film having a 98.1% light transmission (table 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have produced the window film having the light transmission greater than 75% motivated by the desire to prevent or reduce haze when the film is adhered to glass surface.
- With regard to newly added claims 15, 16, 25 and 26, Yang teaches an adhesive coated film having a percent haze less than 2 % and a 98.1% light transmission (table 1).

Response to Arguments

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10. The 112 claim rejections in Paper no. 2 have been overcome by the present amendment.
11. Applicant's arguments with respect to claims 9-11 have been considered but are moot in view of the new ground(s) of rejection.
12. The art rejections over Oliver or Willdorf regarding claims 1-8, and 12 are maintained because of the following reasons. The argument that the films disclosed in the Oliver and Willdorf patents appear to fail the boiling water test set out in the claims is not persuasive. At the first place, the films in Oliver and Willdorf clearly meet all the limitations of structure and chemistry in the claims, these films would inherently pass the test as the film of Applicant. Secondly, what Applicant provides a reason why the films in Oliver and Willdorf are not capable of passing the boiling water test is irrelevant to the claims because the limitation of a crosslinker solution is not included in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Monday to Friday, 8:30 to 5:00 (EAST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (703) 308-1261. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


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